

REMARKS

In the Office Action dated January 10, 2003, the Examiner rejected claims 1 – 6, 8 – 14, 17 – 19, 33 – 46, 50, and 56 - 60 under the judicially created doctrine of obviousness-type double patent as being unpatentable over claims 31 – 40 and 43 – 53 of U.S. Patent No. 5,749,937. Applicants note that dependent claim 61 was elected without traverse, but the status of claim 61 was not addressed in the Office Action dated January 10, 2003. Applicants respectfully submit that upon entry of the Terminal Disclaimer submitted herewith, claim 61 will be in condition for allowance as well as claims 1 – 6, 8 – 14, 17 – 19, 33 – 46, 50, and 56 - 60 . Applicants note that U.S. Patent No. 5,749,937 was subsequently reissued on September 24, 2002 as US RE37,853 E. Applicants further note that original claims 31 – 40 and 43 – 53 were correspondingly reissued after being amended during the reissue proceeding. The submitted Terminal Disclaimer accordingly references RE37,853.

A Supplemental Information Disclosure Statement, a USPTO Form 1449, and copies of the documents cited therein, are being submitted for consideration of the Office in the present Application.

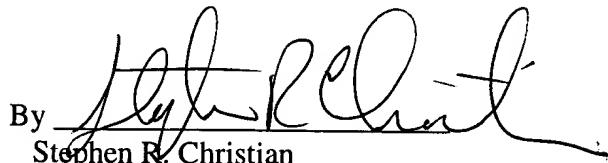
Lastly, Applicants thank the Office for pointing out the informality pertaining to claim 57 with respect to claim 57 incorrectly reciting “titanium oxide” in lieu of correctly reciting titanium dioxide as amended above.

CONCLUSION

Applicants, by and through their attorney, have submitted herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). In view of the foregoing, it is respectfully asserted that Application is now in condition for allowance and a prompt Notice of Allowance of Claims 1 – 19, 33 – 46, 50, and 56 - 61 is respectfully solicited in the Office’s next action.

Applicants would request that the Office telephone the attorney in the event that a further telephone conference and an Examiner’s Amendment could expedite the issuance of the present Application.

RESPECTFULLY SUBMITTED,

By 

Stephen R. Christian

Reg. No. 32,687

P.O. Box 1625

Idaho Falls, Idaho 83415-3899

(208) 526-9140 (Phone)

(208) 526-8339 (Fax)

Date: 9 APRIL 2003